

Notice of Allowability

Application No.

10/714,367

Examiner

Jason M. Han

Applicant(s)

CRAW ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 July 2006 and telephone interview on 13 September 2006.
2. ☒ The allowed claim(s) is/are 1,3-14,16-29,31,32 and 34-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060913.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carlo M. Cotrone on September 13, 2006.

The application has been amended as follows:

- a. Claim 1, Line 3, following "a main housing having": Insert -- a top and --
- b. Claim 1, Line 9, following "fan": Insert -- unit --
- c. Claim 6, Line 2, following "fan": Insert -- unit --
- d. Claim 9, Line 2, following "fan": Insert -- unit --
- e. Claim 11, Line 3, following "main housing including": Insert -- a top and --
- f. Claim 11, Line 3, following "fan": Insert -- unit --
- g. Claim 11, Line 12, following "fan": Insert -- unit --
- h. Claim 11, Line 13, following "fan": Insert -- unit --
- i. Claim 12, Line 1, following "fan": Insert -- unit --
- j. Claim 17, Line 3, following "driving the fan": Insert -- unit --
- k. Claim 17, Line 3, following "including driving the fan": Insert -- unit --
- l. Claim 18, Line 1, following "driving the fan": Insert -- unit --
- m. Claim 20, Line 1, following "driving the fan": Insert -- unit --

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- n. Claim 20, Line 2, following "driving the fan": Insert -- unit --
- o. Claim 21, Line 1, following "driving the fan": Insert -- unit --
- p. Claim 21, Line 2, following "driving the fan": Insert -- unit --
- q. Claim 22, Line 3, following "surface and having": Insert -- a top and --
- r. Claim 22, Line 10, following "fan": Insert -- unit --
- s. Claim 24, Line 2, following "fan": Insert -- unit --
- t. Claim 25, Line 2, following "fan": Insert -- unit --
- u. Claim 28, Line 1, following "fan": Insert -- unit --
- v. Claim 32, Line 4, following "main housing including": Insert -- a top and --
- w. Claim 32, Line 5, following "fan": Insert -- unit --
- x. Claim 32, Line 13, following "fan": Insert -- unit --
- y. Claim 39, Line 1, following "fan": Insert -- unit --
- z. Claim 40, Line 2, following "fan": Insert -- unit --
- aa. Claim 41, Line 2, following "wherein driving the fan": Insert -- unit --
- bb. Claim 41, Line 2, following "includes driving the fan": Insert -- unit --

Allowable Subject Matter

- 2. Claims 1, 3-14, 16-29, 31-32, and 34-47 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:

With regard to Independent Claims 1, 11, 22, and 32, the Applicant sufficiently amended and defined a combination lighting and ventilating apparatus/method, whereby the prior art failed to teach or suggest the combination of structural limitations claimed similarly therein, specifically to a main housing have a top and a sidewall and a

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first aperture, the aperture defining a ventilating inlet and a lighting outlet, whereby a recessed lamp housing was disposed within the main housing such that a fan unit disposed on the sidewall could draw air from an area to be ventilated into the lamp housing, around the lamp, and into the main housing.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han
Examiner
Art Unit 2875

JMH (9/13/2006)



Sandra O'Shea
Supervisory Patent Examiner
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